

Notice of Allowability

Application No.

09/850,263

Examiner

Donald L. Champagne

Applicant(s)

JACOBI ET AL.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply filed 22 February 2005.
2. ☒ The allowed claim(s) is/are 61-81,83-86,97-114 and 118-127.
3. ☒ The drawings filed on 07 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 15 Feb 2005
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
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DETAILED ACTION***Allowable Subject Matter***

1. Claims 61-81, 83-86, 97-114 and 118-127 are allowed.
2. The following is an examiner's statement of reasons for allowance of independent claims 61 and 83: The closest prior art, Whiteis in view of Tagawa, does not teach or suggest maintaining an item selection history identifying items corresponding to and selected by each of a plurality of users. Whiteis teaches maintaining an item selection history as *LINKS Table 301* (col. 3 lines 43-45), but the histories are aggregated by item and do not reveal which items correspond to or were selected by a particular user. Stack teaches the maintenance of customer *purchase history database 4* (col. 3 lines 29-40), which reads on an item selection history identifying items corresponding to and selected by a particular user. However, no prior art teaches or suggests adding the teachings of Stack to those of Whiteis in view of Tagawa.
3. Independent claims 97 and 124 contain allowable matter for a similar reason: The closest prior art, Whiteis in view of Tagawa, does not teach or suggest a user-specific data repository in which item selections are maintained persistently over multiple sessions. A "user specific data repository" is interpreted as a repository where the data is related to a specific user. Whiteis teaches a user-specific data repository (*INPUT table 201*, col. 3 lines 39-40), but does not teach or suggest that the item selections therein are maintained persistently over multiple sessions. Stack teaches a *customer purchase history database 4* (col. 3 lines 29-40), which reads on a user-specific data repository in which item selections are maintained persistently over multiple sessions. However, no prior art teaches or suggests adding the teachings of Stack to those of Whiteis in view of Tagawa.
4. For all four claims 61, 83, 97 and 124, Bieganski (col. 1 lines 32-38) also suggests the limitations not taught or suggested by Whiteis in view of Tagawa. Furthermore, Bieganski (col. 5 lines 29-31) suggests that that invention "may be added to existing recommender systems to improve the value of the recommendations ...". However, neither this nor any other prior art provides the necessary reasonable expectation that such an addition would be successful (MPEP § 2143.02). Bieganski, who can be expected to try to sell the merits of his own invention, merely suggests that it would be obvious to try to add his teachings to

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those of other recommender systems.¹ Bieganski provides no guidance as to how to implement such an addition. Bieganski does not provide any basis for believing that whatever effort needed to modify other recommender systems would be worth the trouble.

5. Independent claim 114 is allowable because the closest prior art, Whiteis, does not teach or suggest generating personal item recommendations without updating the mapping data structure (*links table 301* in Whiteis). This claim limitation is interpreted as updating the mapping data structure “periodically, such as once per week” (spec. p. 3 line 28), rather than for every use, as Whiteis teaches. Bowman et al. teaches a similar approach for generating search recommendations while updating a correlation data structure “periodically (e.g., once per day)” (col. 2 lines 54-55). The correlation data structure is not strictly a map (it does not include the item identifiers limitation of the claim), and there is in any event no suggestion in the prior art to add this teaching to that of Whiteis.
6. Independent claim 122 is allowable because the closest prior art, Whiteis, does not teach or suggest generating personal item recommendations with an item ratings profile of the target user in combination with catalog item mappings. Whiteis teaches or suggest generating personal item recommendations with catalog item mappings. Whiteis also teaches as prior art generating personal item recommendations with user ratings, but does not teach or suggest that there is any merit in combining the user ratings with the item mappings.
7. The closest foreign patent prior art is EP000827063A1, which teaches tree searching. The closest non-patent prior art is Hibbard, which teaches collaborative filtering.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.

¹ “A. ‘Obvious to Try’ Motivation Insufficient”, *JTPOS*, v. 86, n. 10, October 2004: 838.

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9. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for all *formal* fax communications is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
11. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

Donald L. Champagne
Primary Examiner
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11 April 2006